

**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

MICHAEL E. PRYOR,

Petitioner,

v.

THE PEOPLE OF THE STATE OF  
CALIFORNIA,

Respondent.

Case No. 1:20-cv-00827-EPG-HC

ORDER TRANSFERRING CASE TO THE  
CENTRAL DISTRICT OF CALIFORNIA

Petitioner Michael E. Pryor is a state prisoner proceeding *pro se* with a petition for writ of habeas corpus.

When a state prisoner files a habeas petition in a state that contains two or more federal judicial districts, the petition may be filed in either the judicial district in which the petitioner is presently confined or the judicial district in which he was convicted and sentenced. See 28 U.S.C. § 2241(d); Rumsfeld v. Padilla, 542 U.S. 426, 442 (2004) (quoting Carbo v. United States, 364 U.S. 611, 618, 81 S. Ct. 338, 5 L. Ed. 2d 329 (1961)). Petitions challenging the execution of a sentence are preferably heard in the district where the inmate is confined. See Dunne v. Henman, 875 F.2d 244, 249 (9th Cir. 1989). Petitions challenging convictions or sentences are preferably heard in the district of conviction. See Laue v. Nelson, 279 F. Supp. 265, 266 (N.D. Cal. 1968). Section 2241 further states that, rather than dismissing an improperly

1 filed action, a district court, “in the exercise of its discretion and in furtherance of justice[,] may  
2 transfer” the habeas petition to another federal district for hearing and determination. Id.; see also  
3 28 U.S.C. § 1404(a) (court may transfer any civil action “to any other district or division where it  
4 might have been brought” for convenience of parties or “in the interest of justice”).

5 Here, Petitioner is challenging his criminal conviction in the Los Angeles County  
6 Superior Court, and thus, the petition is preferably heard in the district of conviction, which is  
7 the Central District of California. Therefore, this action will be transferred. This Court has not  
8 ruled on Petitioner’s motion to appoint counsel.

9 Accordingly, IT IS HEREBY ORDERED that this action is TRANSFERRED to the  
10 United States District Court for the Central District of California.

11 IT IS SO ORDERED.  
12

13 Dated: June 17, 2020

14 /s/ Eric P. Grogg  
UNITED STATES MAGISTRATE JUDGE